REMARKS

Claims 1-20 are pending. By this Amendment, claims 9, 17, 19 and 20 are amended. Claims 1 and 2 stand rejected, and claims 3 and 4 stand objected to. The Applicant acknowledges with appreciation the allowance of claims 5-20.

The Examiner objected to the disclosure for certain informalities in the claims. The Applicant has made appropriate amendments.

The Examiner rejected Claims 1 and 2 under 35 U.S.C. 102(b) as being anticipated by Flaskey. The Applicant respectfully submits that not all the elements of the current Claim 1 are disclosed by Flaskey, and in particular the following element is not disclosed:

> "wherein the load engaging face of the conveyor chain includes means to create a high friction interface between the load engaging face and an outer surface of each bale substantially without protruding into the bale such that the bales move rearward with the load engaging face of the conveyor chain unless obstructed, and such that the load engaging face can slide with respect to the bales when movement of the bales is obstructed."

> At column 3, lines 1 - 3 the disclosure of Flaskey states:

> "A conveyor 35 and 36 is located at the bottom of each trough 26 and 27 to move bales along the length of the trailer toward the rear."

In contrast to the Applicant's invention of Claim 1, the apparatus of Flaskey in Fig. 1 appears to disclose lugs or flanges extending upward from the chain conveyors 35 and 36, such that when bales are placed on the conveyor, the lugs will extend up beyond the surface of the bales, either between the bales or into the bales. While not specifically described in Flaskey, such lugs are accepted as necessary in the prior art where a single chain conveyor is used so that

the chain can exert a force on the bales rather than simply slide under them. (see for example a similar single chain conveyor as disclosed in United States Patent Number 3,942,666 to Pfremmer and described at col. 2 lines 31 - 32).

The lugs extending up into the bale are commonly known to damage bales during operation. The chain conveyor of the Applicant in contrast provides a high friction interface between the load engaging face and an outer surface of each bale comprising a plurality of flanges for the bale to rest on, with, as illustrated in Fig. 2, substantially nothing protruding up past the surface of the bale. The Applicant respectfully submits that the Claim 1 is thus not anticipated by Flaskey.

At paragraph [0029] of the Applicant's published application he describes the operation of the present invention as claimed in Claim 1 compared to that of the prior art:

> "As illustrated in FIGS. 2 and 3, the load engaging face 12 of the conveyor chain 10 comprises a plurality of resilient pads 20 having a roughened surface 22 to increase friction between the pads 20 and an outer surface of the bale without protruding into the bale. The load engaging face 12 will not damage a bale when it is loaded, and the load engaging face 12 can slide with respect to the bale when movement of the bale is obstructed, as sometimes occurs. Where the load engaging face protrudes into the bale, as with the hooks and pins of the prior art, when the bale is obstructed the hooks tear the twine tying the bales, such that the bales can then fall apart when unloaded. The roughened resilient pads 20 create a high friction interface between the load engaging face 12 and an outer surface of each bale. The friction combined with the fact that the majority of the bale's weight is carried on the load engaging face 12 allows the load engaging face 12 to exert the required force on the bales to move them rearward."

Applicant has made an earnest effort to be fully responsive to the Examiner's objections and believes that Claims 1 - 4 are now in condition for allowance, since claims 2-4 are dependent

upon a now patentably distinct claim 1. The Applicant solicits the allowance of Claims 1 - 4 in addition to the presently allowed Claims 5 - 20.

If, however, the Examiner should for any reason consider this application not to be in condition for allowance the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

Respectfully submitted,

Jose W. Jimenez
Registration No. 31,113

Customer No. 24113
Patterson, Thuente, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402-2100
Telephone: (612) 349-5743